

**APPROVED**

**MINUTES**

**SCOTTSDALE CITY COUNCIL**

**CITY COUNCIL MEETING**

**Monday, December 8, 2003**

**The Kiva  
City Hall  
Scottsdale, Arizona**

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**SCOTTSDALE CITY COUNCIL**  
**CITY COUNCIL MEETING**  
**Monday, December 8, 2003**

**Call to Order**

Mayor Manross called to order the Regular Meeting of the Scottsdale City Council on Monday, December 8, 2003 in the Kiva, City Hall, at 5:08 P.M.

**Roll Call**

Present: Mayor Mary Manross  
Vice Mayor Wayne Ecton  
Council Members David Ortega, Tom Silverman, Robert Littlefield, Ned O'Hearn, and Roberta Pilcher

Also Present: City Manager Jan Dolan  
City Attorney Brad Woodford  
City Clerk Carolyn Jagger

**Pledge of Allegiance**

Troop 348 from Laguna Elementary School and their leaders Alison Bigbee, JoEllen Nealy, and Laurel Spence were present to lead the audience in the pledge.

**Invocation**

Pastor Bennett Henrickson from Bethany Lutheran Church gave the invocation.

**Boards, Commissions & Committees**

The following applicants were selected to serve on the following boards or commissions:

**Board of Adjustment** (2): James Vail and Ernest Jones

**Building Advisory Board of Appeals** (2): Anthony Palmiotto and Laurence Hampton

**Environmental Quality Advisory Board** (2): Jay Spector and Daniel Basinger

**Enhanced Municipal Services District Commission** (7): Bambi Johnson (5<sup>th</sup> Ave); Steven Schultz (Marshall Way); Paul Piazza (West Main); Marilyn Atkinson (Old Town); William Gookin (6<sup>th</sup> Ave); Todd Lacono (Hotelier); Anselm Bischoff (At Large)

**Human Relations Commission** (1): Marty Gendron

**McDowell Sonoran Preserve Commission** (1): Carla

**Scottsdale Pride Committee** (3): Jane Fallek, Zachary Stahmer, and Gregory Robleski

**Tourism Development Commission** (1): Donald Weintraub

## **Appointment**

COUNCILMAN O'HEARN MOVED TO ESTABLISH A CITY COUNCIL BUDGET SUBCOMMITTEE FOR THE PURPOSE OF GATHERING PUBLIC INPUT REGARDING THE SCOTTSDALE CITY BUDGET AND TO APPOINT VICE MAYOR ECTON AND COUNCILMEMBERS ORTEGA AND LITTLEFIELD TO THIS SUBCOMMITTEE. COUNCILMAN SILVERMAN SECONDED THE MOTION WHICH CARRIED 7/0.

## **Public Comment**

**Larry Heath, 8608 E Gail Rd**, discussed concerns regarding a sales tax increase to purchase open space in the northern area of Scottsdale and felt a property tax would be more equitable among the citizens.

## **Consent Agenda Items 1 - 13**

### **1. Authorization to Accept Local Law Enforcement Grant Funds for the Purchase of Public Safety Equipment**

**Request:** Adopt Resolution No. 6403 authorizing the Police Department to accept the funds made available under the U.S. Department of Justice Local Law Enforcement Block Grant program in the amount of \$68,723. The grant will allow the Police Department to purchase basic patrol equipment such as radars, portable breath tests, mobile data terminal connectors, night vision goggles, video camera for training, and polygraph software/hardware. The grant was anticipated and budget was authorized in the FY 2003/04 Grants budget. A center in the Grants Fund (Fund 230) will be established to record all grant activity.

**Related Policies, References:** Omnibus Fiscal Year 2003 Appropriation Act authorizes funds to be made available to local governments. All equipment acquisitions from these funds will adhere to purchasing guidelines.

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-5000, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov); Carla A. Murillo, Police Budget Analyst, 480-312-5202, [cmurillo@scottsdaleaz.gov](mailto:cmurillo@scottsdaleaz.gov)

### **2. Construction Bid Award: Arizona Canal Bank Improvements Phase 1, Marshall Way Roadway & Bridge**

**Request:** Authorize Bid Award No. 04PB034 for Construction of the First Phase of Canal Bank Improvements to Archon Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$4,284,000.

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Bill Peifer, Sr. Project Manager, 480-312-7869, [bpeifer@scottsdaleaz.gov](mailto:bpeifer@scottsdaleaz.gov)

Ed Gawf gave a brief description of the amenities to be included in this first phase of improvements and invited everyone to the groundbreaking ceremonies on January 5, 2004 at 10:30 AM.

**3. Professional Services Contracts: Real Estate Appraisals and Reviews**

**Request:** Authorize the following real estate appraisal and review appraisal services contracts:

- Professional Services Contract No. 2003-190-COS with Loper & Associates, L.L.C.
- Professional Services Contract No. 2003-191-COS with Sell and Associates, Inc.
- Professional Services Contract No. 2003-192-COS with First Appraisal Services, Inc.
- Professional Services Contract No. 2003-193-COS with Dennis L. Lopez and Associates, L.L.C.

**Related Policies, References:** Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act").

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Ron King, Asset Management Coordinator, 480-312-7042, [rking@scottsdaleaz.gov](mailto:rking@scottsdaleaz.gov)

**4. Construction Bid Award: Neighborhood Stormwater Improvements**

**Request:** Authorize Construction Bid Award No.04PB020 to construct Stormwater Management Improvements in four neighborhood locations to Baseggio and Company, the lowest responsive bidder, at their lump sum bid of \$266,122.73.

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Robert M. Johnson, Project Manager, 480-312-7054, [rmjohnson@scottsdaleaz.gov](mailto:rmjohnson@scottsdaleaz.gov)

**5. Construction Bid Award: Water Campus Filter Complex Improvements**

**Request:** Authorize Construction Bid Award No. 04PB038 for Construction of new Filter Complex Improvements at the Scottsdale Water Campus to MGC Contractors, Inc., the lowest responsive bidder, at their lump sum bid of \$3,102,560.

**Related Policies, References:**

- a. Engineering Services Contract No. 2003-007-COS with Damson S. Williams Associates (DSWA) for design of the Water Campus Phase 3 Expansion, approved by City Council on February 3, 2003.
- b. 2001 Wastewater System Master Plan, approved by City Council on October 15, 2001.

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Alison Tymkiw, Sr. Project Manager, 480-312-7985, [atymkiw@scottsdaleaz.gov](mailto:atymkiw@scottsdaleaz.gov); Joe Gross, Water Resources Director, 480-312-5628, [jgross@scottsdaleaz.gov](mailto:jgross@scottsdaleaz.gov)

Joe Gross responded to questions from Vice Mayor Ecton, explaining the current system has been in place since 1998. He stated that the proposed improvement would lower capital and operating costs.

**6. Sale of Water Resources Surplus City Property**

**Requests:**

- Adopt Resolution No. 6405 authorizing the sale of 3,077 S.F. of surplus property located at the southeast corner of Indian School Road and 86<sup>th</sup> Street, in the amount of \$5,950, to the adjoining property owner, James M. Lawrence.

- Adopt Resolution No. 6406 authorizing the sale of a 315 S.F. Private Access Easement located at 8102 E. Foothill Drive, in the amount of \$1,400, to the adjoining property owner, the Ann W. Kelly Personal Resident Trust.

**Related Policies, References:** Scottsdale Revised Code Section 2-221(b)(5) allows the City to sell property directly to owners of adjoining property without conducting a public auction if a determination is made that uniting ownership of the city's real property with the adjoining property will be a public benefit. The determination is based on such issues as proposed use of the property, size and configuration, existing restrictions on development and the value of the property.

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Ron King, Asset Management Coordinator, 480-312-7042, [rking@scottsdaleaz.gov](mailto:rking@scottsdaleaz.gov)

**7. Amendment to Lease Agreement: Commercial Office Space at the Aviation Business Center to Southwest Flight Center, Inc.**

**Request:** Adopt Resolution No. 6393, authorizing an amendment to lease agreement No. 2000-191-COS-A for commercial office space at the Aviation Business Center for Southwest Flight Center, Inc. to facilitate their relocation to a new office (Suite 101).

**Related Policies, References:** Lease Agreement No. 2000-191-COS, Resolution No. 5688.

**Staff Contact(s):** John C. Little, Jr., General Manager, Transportation, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

**8. Lease Agreement: Commercial Office and Counter Space at the Scottsdale Airport Terminal Building for Grand Canyon Airlines, Inc.**

**Request:** Adopt Resolution No. 6398, authorizing lease agreement No. 2003-174-COS for commercial office and counter space at the Scottsdale Airport Terminal Building for Grand Canyon Airlines, Inc. to continue to provide Federal Aviation Regulations Part 135 on-demand scenic charter flights.

**Staff Contact(s):** John C. Little, Jr., General Manager, Transportation, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

Vice Mayor Ecton expressed concern that Items 7 and 8 might contribute to noise and traffic issues. In further clarification, John Little said sales tax revenue would be generated through these businesses. He noted that a fee would be charged for operating out of the Scottsdale Airport.

**9. Intergovernmental Agreement (IGA): Designing and Constructing Security Improvements at the City's Airport**

**Requests:**

- Adopt Resolution No. 6410, authorizing IGA No. 2003-186-COS with the Arizona Department of Transportation (ADOT) accepting grant no. E4S39 for \$225,000 and a 15% grant contingency of \$33,750. The ADOT grant agreement provides the City with the ability to receive additional grant funding (15%) in the event change orders are needed. The grant match of \$25,875 (\$22,500 plus the

additional 15% contingency match of \$3,375) will be funded by Aviation Enterprise funds in the Aviation Capital Projects Fund.

- Authorize the transfer of \$258,750 of FY 2003/04 Aviation Grant budget to the Aviation Capital Project center 642-A0409 for this project. Authorize the transfer of current Airport capital budget for Vehicle Security Gates Upgrade (642-A0407) to 642-A0409 to the project. The total project budget authorized will be \$284,625.
- The grant will be used to design and construct various security enhancement projects at Scottsdale Airport. Some items that are considered eligible for funding under this grant are: fencing, gates, cameras and motion detection equipment.

**Staff Contact(s):** John C. Little, Jr., General Manager, Transportation, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

**10. Grant Qwest an Extension on the Construction of a Cable TV System**

**Request:** Adopt Ordinance No. 3529 amending Ordinance No. 3185 which granted U S WEST (Qwest) a nonexclusive license for the provision of cable television services within the City of Scottsdale.

**Related Policies, References:** Ordinance No. 3185 granting a nonexclusive license to construct, install and operate lines, wires and coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television, and other cable services along, across, and upon the public's streets, ways, alleys, and places within a portion of the City of Scottsdale was passed and adopted on September 14, 1998. Ordinance No. 3046 granting a nonexclusive license to construct, install and operate lines, wires and coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television, and other cable services along, across, and upon the public's streets, ways, alleys, and places within a portion of the City of Scottsdale (DC Ranch only) was passed and adopted on June 30, 1997.

**Staff Contact(s):** Brad Hartig, Enterprise Director, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov); Kevin Sonoda, Telecommunications Policy, 480-312-4138, [ksonoda@scottsdaleAZ.gov](mailto:ksonoda@scottsdaleAZ.gov)

**11. Proposed Changes to the City Privilege and Use Tax Code**

**Request:** Consider adopting Ordinance No. 3539 to implement Municipal Tax Code Commission approved changes to the City's tax code. The changes will align the City code with changes in State law and make technical corrections and clarifications.

**Related Policies, References:** The proposed changes will conform Section 100 of Appendix "C" of the Scottsdale Revised Code with the definitions of Qualifying Community Health Center, Qualifying Health Care Organization and Qualifying Hospital to the Arizona State Revised Statutes (ARS) definitions. These changes clarify that buildings being built to become one of these qualifying entities would be treated the same as an existing one. The changes to Section 260 of the Code are proposed to conform to ARS and Arizona Department of Revenue (ADOR) practices by removing the current exemption for fees related to lead acid batteries and used oil. Regulation 415.3 is a proposed addition to codify the current practice of grandfathering in existing construction contracts when a privilege tax is changed. Regulation 520.1(11) is proposed to clarify alternative methods for signing privilege and use tax returns and would allow taxpayers to electronically file returns and remit associated taxes.

**Staff Contact(s):** Craig Clifford, Chief Financial Officer, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov);  
Debora Johnson, Customer Service Director, 480-312-5925, [dejohnson@scottsdaleaz.gov](mailto:dejohnson@scottsdaleaz.gov)

**12. Benefit Plan Documents, Summary Plan Descriptions and Contribution Rates**

**Request:** Adopt Resolution No. 6421 to:

1. Approve five City of Scottsdale benefit plan documents:
  - ✓ Group Health Insurance Cafeteria Plan (Attachment A) and related Insurance Premium Plan (Attachment B)
  - ✓ Cafeteria Plan (Attachment C) and related Health Care Plan (Attachment D) and Dependent/Child Care Plan (Attachment E)
2. Approve four summary plan descriptions:
  - ✓ Aetna Open Access Elect Choice EPO (Attachment F)
  - ✓ Aetna Open Choice PPO (Attachment G)
  - ✓ Mayo Health Tradition PPO (Attachment H)
  - ✓ SCOTTSMILES PPO (Attachment I)
3. Approve contribution rates for benefits (Attachment J)

**Related Policies, References:** Scottsdale Revised Code Section 14-102 relating to the contribution of City funds for health/life insurance benefits and related contractual requirements.

**Staff Contact(s):** Neal Shearer, Human Resources General Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov)

**13. Contract for Legal Services in Connection with City of Scottsdale v. Phillip P. Lovell,**

**Request:** Adopt Resolution No. 6419 authorizing the Mayor to execute Contract No. 2003-102A-COS, an outside counsel contract renewal in a maximum amount of Thirty Thousand Dollars (\$30,000) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Phillip P. Lovell, Superior Court Case No. CV2000-017992, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

**Related Policies, References:** Resolution No. 6419

**Staff Contact(s):** C. Brad Woodford, [bwoodford@scottsdaleaz.gov](mailto:bwoodford@scottsdaleaz.gov), 480-312-2405;  
Bruce Washburn, Deputy City Attorney, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); 480-312-2405

### **MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN ORTEGA MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1-13.  
COUNCILMAN SILVERMAN SECONDED THE MOTION, WHICH CARRIED 7/0.

### **Regular Agenda                      Items 14 - 16**

**14. Architectural Services Contract to Prepare Initial Concepts and Drawings for Proposed San Francisco Giant's Clubhouse and Training Facility and Renovations to Existing Facilities at Indian School Park/Club SAR**

**Request:** Authorize Design Services Contract No. 2003-189-COS with HOK Sport, Inc., d.b.a. HOK Sport + Venue + Event in the amount of \$195,371 for the preliminary concept design of a clubhouse, training fields, batting tunnel, observation tower and related facilities. The scope of this contract is for preliminary and conceptual design only. If the site proves viable, City staff will present City Council with a contract amendment for final design services.

The proposed location for the new facility is at the Coronado Golf Course. Several meetings with residents have been held regarding this location. Neighbors have asked the City for preliminary drawings and concepts, to provide a better idea of the scale, potential location of a clubhouse, training fields, batting tunnel, observation tower and related facilities. The contract also includes conceptual design for a partial renovation/addition to the existing Indian School Park/Club SAR facility that is the current training site for the San Francisco Giants. Coronado Golf Course is a 44-acre site located on both public and private land at the southeast corner of Thomas and Miller roads. The Indian School Park/Club SAR facility is located at the southeast corner of Hayden and Camelback roads.

**Related Policies, References:**

- a. Agreement No. 94004 between the City of Scottsdale and Scottsdale Charros for the Charros to provide Spring Training baseball to the City. In turn, the Charros have a contract with the Giants to hold Spring Training and player development activities at the Scottsdale facilities. The Charros organization is a community volunteer group. Proceeds from Charros activities provide charitable contributions to youth, education and health organizations.
- b. On July 7, 1976 the City Council approved a 29-year lease for the Coronado Golf Course on the publicly owned portion of the golf course. The lease expires on October 15, 2005.

**Staff Contact(s):** Al Dreska, Capital Project Management Director, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Bill Exham, General Manager, 480-312-2377, [bexham@scottsdaleaz.gov](mailto:bexham@scottsdaleaz.gov)

Responding to Councilman Silverman, City Attorney Woodford said he did not see any conflict of interest for Councilman Silverman in this case because he was a life member of the Charros. Since he was no longer an active member there was no conflict.



Bill Exham reviewed the proposed facilities, the background of spring training and the Charros, benefits to the community, other sites identified as possible locations, and why Coronado was selected as the best site to evaluate. He also discussed the neighborhood outreach and identified the concerns of neighbors. Due to these concerns, some citizens wanted to see a plan in order to have a better perspective of what the structures would look like. He assured citizens that action on the proposed design contract would answer all their questions and would not obligate the city any further. Staff would return in spring of 2004 for approval of design services if this site proved viable.

Responding to Councilman Silverman, Mr. Exham said the concepts would be designed both with and without the eight acres that are privately owned.

**Public testimony opened:**

**Cary Ley, 2571 N Miller Rd**, said this appeared to be the best selection for a site and pointed out that there are two other affordable golf courses nearby. He was in favor of the conceptual design.

**Richard Simmon, 4705 N 68<sup>th</sup> Pl**, said the golf course filled a void in the city. He urged Council to give thought to what people in the city want, not just think of dollar signs.

**Robert Usdane, 2413 N 76<sup>th</sup> Pl**, lives on the Coronado golf course. He said it was never the plan to fill the Indian Bend Wash with baseball. He further stated if it was Council's intention to put the facilities there, they should just say so, rather than calling the plan conceptual.

**Kimberly Almquist, 12130 E Arabian Park Dr**, President of Mountain View Little League, stated his support for the proposed site.

**Fred Loporto, 7801 E Coronado Rd**, a resident of the Coronado area, felt this was not about playing golf but about diminished property values.

**Alan Note, 9455 E Raintree Dr**, said this was good for the city as a whole but had an impact on the neighborhood so it was a difficult decision. He was in favor of going ahead with the study since he felt the impact could be minimized.

**Charles Luthy, 955 N 86<sup>th</sup> Way**, expressed sadness that south Scottsdale keeps going down and down.

**Philip Carlson, 7147 N 78<sup>th</sup> St**, stated support for the proposed project.

**Michael Merrill, 8713 E Vernon**, supported the Giants and felt losing \$13.5M in revenue would be devastating to the economy. He was in favor of the study.

**Nona Oliver, 6908 E Portland**, liked the idea of cleaning up anything south of Camelback but was concerned about how close the structures would come to the condos. She requested no walkway for dog walking and urged the city not to let the Giants dictate the design.

**Rick Cornish, 6844 E Willetta**, said his biggest concern is that Coronado could never be replaced once it is eliminated, while sports facilities would continue to grow and want more and more. He asked Council to look to the future and to what the golf course means to this part of town.

**Matthew Baniszewski, 6431 E Cambridge**, 7 years old, said he has been golfing for two years. He did not want Coronado turned into a baseball field since the course had a very good golf camp.

**Cliff Waittle, 2829 N Miller**, discussed the youth camps he has at Coronado and expressed concerns about possible flooding. He stated that the course does not require a cart and is a viable entity that should remain.

**Lyle Wurtz, 6510 E Palm Ln**, spoke in opposition to the project.

**Mark Mocciano, 2647 N Miller Rd**, a resident of Coronado Heights, said he would be most affected by the buildings, which would block his views. The proposed sports facility would go right in the back yard of thirty homes. A poll showed that 95% of the residents in his neighborhood were opposed to the project.

**Jim Stratton, 15015 E Lakeview Dr**, complimented Mr. Exham on his thorough presentation. He felt the proposed facility is critical because of the economic impact to the city.

**David Bentler, 2539 N Miller Rd**, said of the thirty-nine residents in his neighborhood, all but one would like to see the golf course stay. He urged the Council to consider that Eldorado Park could work and would be a wonderful site. He also wanted to keep the Giants.

**Walter Reading, 7301 E Vista Dr**, volunteered at the Center for Arts, Scottsdale Healthcare, and at the Giants Stadium. He enjoyed the stadium and the people very much. He stated his desire to keep the Giants and fans happy.

**James McCary, 2647 N Miller Rd, #21**, read a speech from Ronald Remick who adamantly opposed the plan. He requested that properties be appraised before and after at the city's expense.

**Peter Rusin, 1831 Via Del Futado**, said the not-for-profit sectors receive a silent benefit of spring training. He reviewed the benefits and urged support of the proposal.

**Dean Cerimel, 8532 E San Miguel**, President of East Scottsdale Little League, spoke in favor of the proposal because moving the Giants would free up more fields for his teams.

**Tim Bray, 11181 E Turnberry Rd**, supported the proposal and discussed the one-thousand volunteers that work at the stadium each year.

**Robert Will, 6306 E Catalina Dr**, said there was always a problem with money in south Scottsdale. He felt the presentation was one-sided as it did not list any detriments at the Coronado site.

**Joan Agostinelli, 2908 N 82<sup>nd</sup> St**, spoke in favor of going forward with the study but expressed concerns about neighborhood impacts. She wanted to see a plan developed for the neighbors to review. She discussed many benefits to schools from the Charros.

**Kirk Johnson, 7480 E San Miguel**, a member of the Charros, felt city staff was extremely diligent in considering impacts to the city as a whole. The national impact of having Scottsdale on ESPN was also a consideration. There are a lot of golf courses in Scottsdale but only one spring training team.

**Dennis Robbins, 10229, N 92<sup>nd</sup> St**, a Charro member, spoke in favor of moving forward with the project as Scottsdale's 50-year history of baseball was unique. The stadium was built with taxpayer dollars and needed to be kept in use.

**Bob Howard, 10743 E San Salvador**, spoke in favor of the study and of the many benefits from the revenue from spring training.

**Don Carson, 6445 E Calle Del Media**, did not think anything would be solved by brow-beating. Scottsdale is a special place and for two months of the year, it is mystical. He stated that our community was envied, so we must protect and nurture that.

**Jim Bruner, 8285 E Via del Sol**, provided a history of the Cactus League and said we could not afford to let the Giants go away.

**Bill Heckman, 8129 E Aster**, a member of the Parks and Recreation Commission, said they had challenged staff to go back and look at every feasible solution. The plan would gain four ball fields for youth sports. The current golf course lease ends in one year and it was unknown whether it would remain an affordable golf facility. He felt this was the most logical site.

**Keith Holben, 10238 E Shangri-La Rd**, expressed support for the proposal and felt the site selection process was thorough. It was important to pick the best option as the same issues would be there no matter what site was chosen.

**Mike Bentler, 3314 N 68<sup>th</sup> St**, asked that we work harder to make other sites work. He strongly felt El Dorado would be better or that city-owned land at Miller and McKellips could be utilized. He wanted to keep the Giants but felt more vision was needed. He urged the city to at least retain the driving and putting range.

**Dr. Irwin Altman, 8485 N Pisado Bueno**, president of the Little League, said many children use the fields and there had always been an issue. He felt the matter should go forward.

**Jeanie Johnston, 2647 N Miller Rd, #24**, read of the vision of City Shape 2020 to preserve open space. She received no notification during the outreach process for this project. She also felt that Councilman Silverman should abstain from voting.

**Peter Gannuscio, 6801 E Granada Rd**, a volunteer with the Scottsdale Auxiliary, had worked with the Charros during spring training and felt this brought something to the area that you couldn't get anywhere else. He noted that monies raised in parking fees go toward important items for the hospital.

**John Will, 6125 E Indian School Rd #160**, said most people weren't opposed to the Giants but were against taking away a golf course that senior citizens enjoyed.

**Eric Planeta, PO Box 9038, 85252**, representing the owner of the eight acres, said he wanted to save the city \$195,000 and save Coronado by presenting a better plan for El Dorado. He felt that his plan made better sense financially and for the neighbors. He read a letter from Mr. Galbreath who deeded the property to Scottsdale in the late 1970s. Mr. Galbreath objected to the proposed facility due to deed restrictions. A violation could mean the property could be granted back to the original grantor.

**John Greco, 2843 N 76<sup>th</sup> Pl**, expressed pleasure with the details staff had provided and felt this could be a win-win situation. He hoped the architect, working with the neighbors, would come back with something amenable.

Public testimony concluded. Additional comment cards were received from citizens not wishing to speak: 11 in favor and 21 against.

Responding to Councilman Silverman, Mr. Exham said the Giants would need approximately fifteen acres to build on, which would leave over twenty acres for open space and buffering. He further noted there would be restricted public access. Councilman Silverman commented that if this was done properly, property values would not drop.

In response to Councilman Littlefield, Mr. Woodford said he was not prepared to answer tonight whether the deed restrictions were an issue, but he would certainly do some research. Mr. Exham said Asset Management staff indicated this type of facility was compatible with the deed.

Responding to other questions, Mr. Exham reviewed reasons why El Dorado would not be a good location including: the channel would have to be moved, mesquite trees would have to be removed, negative impacts to football fields, and elimination of public fields. In regard to the parcel at McKellips and Miller, he noted there were municipal offices located there. A master plan was in place for a police station and crime lab to be located there as well.

Councilman Ortega commented on rates at other area golf courses and noted that Villa Monterey was actually cheaper than Coronado. There were no promises that fees would stay low if Coronado were to expand or partner with the city.

#### **MOTION – ITEM 14**

COUNCILMAN ORTEGA MOVED TO AUTHORIZE DESIGN SERVICES CONTRACT 2003-189-COS WITH HOK SPORT, INC. COUNCILMAN SILVERMAN SECONDED THE MOTION (which carried 7/0).

Vice Mayor Ecton said the engineering results were critical to whether and/or how the city would move forward but felt it could all be worked out. Not only did the Charros bring income to the city, but many businesses profited as well from tourists. Firm answers were also needed on the legal issues.

Councilman Littlefield said this was a good thing for the economy, charities, and kids. He was also okay with saying this was where the facility should be located.

Councilman O'Hearn said it would put the city at an economic risk to forego the Giants. He stated his belief that it is important to do things for the city that would benefit the entire group of citizens.

Councilwoman Pilcher believed this architectural services contract was needed to appease those living around Coronado and she whole-heartedly supported the Charros.

Mayor Manross said this decision was a real balancing act. She felt the facility would be a positive investment in a neighborhood with amenities if neighbors could help design some open space at the site. She stated her belief that spring training is important to the heart of Scottsdale.

Following the discussion, THE MOTION FOR APPROVAL CARRIED 7/0.

**15. Reconsideration of Field Use Fee for Maintenance of School Sites for Little League Baseball**

**Request:** At the request of Councilman Ortega, reconsider the City Council's June 16, 2003 decision to implement recommendations of the citizen volunteer Youth Sports Task Force, which included the initiation of a \$3 per hour fee to all youth sports organizations for the purpose of paying for City maintenance of youth sports fields on Scottsdale School District property.

**Related Policies, References:**

- Resolution No. 6322, approved June 16, 2003, which authorized changes to the Parks and Recreation Field Allocation Fee Waiver and Partnership Funding Policy, authorized the use of Partnership Funds for one year for maintenance of sports fields on Scottsdale School District property, and initiated a \$3 per hour fee for sports field use by non-profit youth sports organizations of City and Scottsdale School District fields under City management;
- Resolution Number 6351 and Intergovernmental Agreement #2003-120-COS, approved August 25, 2003 between the City and the Scottsdale School District, which allowed City staff and contractors access to the six most heavily used youth sports sites on school district property for the purpose of twice per year field rehabilitation.
- Youth Sports Task Force Final Report, January 2003

**Staff Contact(s):** Bill Exham, Community Services General Manager, 480-312-2377, [bexham@scottsdaleaz.gov](mailto:bexham@scottsdaleaz.gov); Debra Baird, Parks, Recreation and Facilities Division Director, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Judy Weiss, Parks, Recreation and Facilities Division Manager, 480-312-2416, [jweiss@scottsdaleaz.gov](mailto:jweiss@scottsdaleaz.gov)

Bill Exham provided an overview of the issues.

**Mike Kayes, PO Box 9434, 85252**, spoke of all the little leagues being represented this evening and introduced the spokesperson selected by nine league presidents.

**John Murphy, 6141 E Edgemont Av**, president of Arcadia Little League, presented the Little League's proposal and asked the city to partner with them.

**Public testimony opened:**

**Shelley Anderson, 12890 E Gold Dust**, a member of the city's Parks and Recreation Commission, re-affirmed her vote to leave the program as is. All fees will be reconsidered next summer.

**Leigh Hersey, 8607 E Thomas Rd**, a Parks and Recreation Commissioner, said if the fees were waived for little league, it would set a precedent for many other organizations who pay the same fees.

Councilman Ortega asked whether the Commission had seen a spreadsheet that indicated how much was spent by little league. Ms. Hersey said she did not recall seeing that information.

**Scott Graham, 10651 E San Salvador Dr**, with Arcadia Soccer Club, liked the pooling of money this process would provide, but encouraged the program to be seen through and then evaluated for all groups. Changing rules mid-stream would be counter-productive.

**Bill Heckman, 8129 E Aster Dr**, a Parks and Recreation Commissioner, said this was a pilot program for a one-year timeframe. He stated his belief that the program should continue through the first year before working out the kinks.

**Jim Teeter, 5502 E Wethersfield Rd**, president of baseball leagues with about 3,500 players, participated in the taskforce and believed in this program. He would like to see the program continue through the evaluation period.

**Public testimony concluded.** There were two comment cards from citizens in opposition but not wishing to speak.

Councilman Littlefield said the field use fee should be left as is for now and fine tuned next time. He felt it was fair and consistent.

**MOTION – ITEM 15**

COUNCILMAN LITTLEFIELD MOVED TO DENY RECONSIDERATION OF THIS FEE.  
COUNCILWOMAN PILCHER SECONDED THE MOTION (which carried 6/1 D.O.).

Mr. Murphy said the issue has never been about the money but about a partnership with the city. Therefore, he offered another option to their proposal in which the city would not match their in-lieu fee of \$20,000.

Councilman Ortega reviewed additional information that was not available to the Commission or himself when the issue was previously discussed and acted upon.

Further discussion was held regarding the amount of effort put into the fee plan and the lack of participation by little league officers.

Following the discussion, THE MOTION FOR DENIAL OF ITEM 15 CARRIED 6-1 WITH COUNCILMAN ORTEGA DISSENTING.

**16. Proposed Acquisition of 5.06 acres for WestWorld Event Parking**

**Requests:**

- Adopt Resolution No. 6402 authorizing Purchase Agreement No. 2003-176-COS with North Scottsdale Horseman's Park L.L.P. in the amount of \$885,000, plus closing costs of approximately \$4,000, for the acquisition of approximately 5.06 acres of vacant, real property located on the north side of the WestWorld main road between 94<sup>th</sup> street and the 96<sup>th</sup> street alignment (Assessor's Parcel No. 217-13-041B).
- Authorize a Capital Contingency Fund transfer in the amount of \$890,000 with funding for the transfer to consist of:
  - 50% to be paid from CIP interest earnings
  - 50% from Basin Management Funds (BMF)

This property is required to provide the needed land for parking during event programming at WestWorld and the FBR Open.

**Related Policies, References:** March 4, 2003 WestWorld Master Plan, November 13, 2003 TPC/WestWorld/Stadium Oversight Committee meeting/action.

**Staff contact(s):** Brad Gessner WestWorld General Manager, 480-312-6825, [bgessner@scottsdaleaz.gov](mailto:bgessner@scottsdaleaz.gov); Barbara Burns, Assistant City Manager, 480-312-2599, [bburns@scottsdaleaz.gov](mailto:bburns@scottsdaleaz.gov)

Brad Gessner introduced the proposal for discussion.

He noted that title of the property could either be in the name of Bureau of Land Management or a mutual name. He explained that those details were being worked on by city staff.

**Lyle Wurtz, 6510 E Palm Ln**, wondered if Westworld was making money. He questioned the names of the members of the LLP that own the property.

Responding to Councilman Ortega, Mr. Gessner said that there is currently a five-year agreement for paid parking at the location.

Joe Cusack, General Manager of the Scottsdale Horseman's Park LLP, said he did not have an interest in the property. He explained that the partnership was formed in 1986 when several pieces of property were purchased. He did not have a list of the limited partners and knew of none who have been involved in the city.

**MOTION AND VOTE – ITEM 16**

COUNCILMAN ORTEGA MOVED FOR ADOPTION OF RESOLUTION 6402 AUTHORIZING PURCHASE AGREEMENT NO. 2003-176-COS AND AUTHORIZATION OF A CAPITAL CONTINGENCY FUND TRANSFER IN THE AMOUNT OF \$890,000. COUNCILWOMAN PILCHER SECONDED THE MOTION WHICH CARRIED 7-0.

**Public Comment** - None

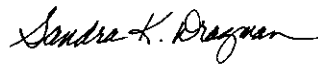
**City Manager's Report** - None

**Mayor and Council Items** - None

**Adjournment**

With no further business to discuss, Mayor Manross adjourned the meeting at 10:06 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
**Recording Secretary**

**REVIEWED BY:**



**Carolyn Jagger**  
**City Clerk**

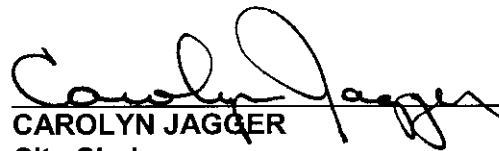


### **CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 8th day of December 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 17th day of December 2003.

  
\_\_\_\_\_  
**CAROLYN JAGGER**  
City Clerk